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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/330,446	03/30/89	YOSHIMURA	T 1173145P

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EXAMINER

JACOBSON, D

ART UNIT

1653

PAPER NUMBER

31

DATE MAILED: 04/21/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

07/330,446

Applicant(s)

Yoshimura

Examiner

Jacobson

Group Art Unit

1653

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on Resolution of Interference proceedings.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-7, 9, 11-25 is/are pending in the application.
- Of the above claim(s) 5 is/are withdrawn from consideration.
- ☒ Claim(s) 1-4, 6-7, 20 is/are allowed.
- ☒ Claim(s) 21-25 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_.

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 1652

Claims 1-7, 9, and 11-25 are pending in the present application.

This application was involved in three Interferences. The following is a summary of the outcomes of the present application in those interferences:

Interference No. 103,997:	Favorable, claims 1- <del>4</del> , 7, 20
Interference No. 103,998:	Favorable, claim 6
Interference No. 103,884:	Adverse, claims 9, 11-19

Therefore applicants are entitled to a patent to claims 1-~~4~~, 6-7, and 20. Applicants are not entitled to a patent for claims 9 and 11-19.

Claims 5 and 21-25 are not allowable and were not part of the interference proceedings.

Claim 5 was previously withdrawn from consideration as being drawn to a non-elected invention. See paper no. 7.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 21-25 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.


Art Unit: 1652

Claims 21-25 are drawn to a monocyte chemotactic protein isolated from primate, murine, porcine, equine, and bovine sources. The specification describes isolation of the protein from human cells. It does not describe isolation of the protein from other sources. It is unknown if applicants were in possession of the protein from sources other than human cells at the time the application was filed. The specification does not provide sufficient information regarding the protein isolated from other cells so that one of skill in the art would understand what their structures are. Therefore, monocyte chemotactic proteins isolated from sources other than human cells are not adequately described by the specification.

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit **1653**.

The examiner's supervisor, Bradley Sisson, can be reached at (703) 308-3978. The official FAX number for this Group is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

  
DIAN C. JACOBSON  
PRIMARY EXAMINER  
GROUP ~~1800~~ 1600